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Secrecy: It's a Crime

Last month, President Reagan issued a broad security directive designed to plug leaks of government information that is classified as secret. Its most significant feature was the requirement that government employees with access to classified information must submit their writings to pre-publication review. The order, which also covers former public employees, gives federal agencies the authority to censor books, newspaper articles and texts of speeches by their employees and former employees.

As comprehensive and as drastic as that order was, it has been exceeded by a new proposal advanced by an ad hoc committee of government officials. The committee recommended legislation making it a crime for any present or former federal employee to divulge information classified as secret.

To anyone not familiar with the operations of government, the word secret carries with it an impressive aura of importance. A natural question arises: Why *shouldn't* the person who reveals a secret be subject to prosecution? But millions of pieces of government paper that are stamped secret have no relationship to national security. They often have more to do with the desire of federal agencies to protect themselves from public scrutiny.

Most "leaks" are deliberate disclosures from high officials seeking to defend and promote their policies. As President John F. Kennedy once remarked, the ship of state is the only ship that leaks from the top. One member of the ad hoc committee said that unauthorized disclosures by high officials should be penalized in the same manner as are other leaks. That is a nice theory. Can anyone foresee that it will happen?

The government has the authority to prosecute the disclosure of real secrets whose revelation actually damages national security. But it is another matter to attempt to apply the criminal law to the disclosure of routine information that is routinely classified because some bureaucrat is handy with a rubber stamp. When piles of information are classified, it blurs the line between genuine secrets and spurious secrets.

It is uncertain whether the Reagan Administration will push Congress to enact the legislation, which is the latest in a series of moves by the Administration to close off sources of information. The idea should be dropped. Such legislation would contribute nothing to our security; instead, it would further restrict information that is essential to informed public debate.